

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

JOSEPH W. DICKEL,

Plaintiff,

v.

CIVIL ACTION NO. 2:07-cv-00762

MICHAEL J. ASTRUE  
Commissioner of Social Security,

Defendant.

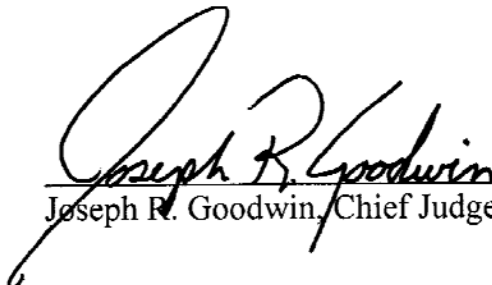
**MEMORANDUM OPINION & ORDER**

On December 23, 2009, the Honorable Mary E. Stanley, United States Magistrate Judge, entered Proposed Findings and Recommendation [Docket 7] proposing that this case be dismissed without prejudice for failure to prosecute. The plaintiff failed to file timely objections.

This court **ADOPTS** the Proposed Findings and Recommendation of the Magistrate Judge and **DISMISSES** this action without prejudice for failure to prosecute.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 12, 2010

  
Joseph R. Goodwin, Chief Judge